

REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF
NEW HARTFORD, HELD AT THE MUNICIPAL BUILDING,
8635 CLINTON STREET, NEW HARTFORD , NEW YORK, ON
WEDNESDAY, FEBRUARY 5, 2020, AT 6:00 P.M.

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman Richard M. Lenart
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Director of Finance Daniel T. Dreimiller
Director of Personnel Barbara Schwenzfeier
Deputy Town Supervisor Anthony J. Trevisani
Highway Superintendent Richard Sherman
Police Chief Michael S. Inserra
Town Attorney Herbert Cully
Town Clerk Gail Wolanin Young
Deputy Clerk II Allison Adams
Finance Clerk Lisa Smigle
Highway Foreman Chris Moran
John Dunkle of Dunn & Sgromo Engineers PLLC

Thereafter a quorum was declared present for the transaction of business.

PUBLIC PRESENTATION /COMMENTS: Conifer Group Project:

John Dunkle– Town Engineer through Dunn & Sgromo Engineers spoke to the Town Board regarding the Proposed Conifer Project to be located on Woods Highway and Seneca Turnpike in New Hartford. Mr. Dunkle stated he looked at a proposed project in the Town of New Hartford and looked at where the property is located and looked at where the water can potentially go and who might be affected by it. After reviewing the drainage and the land, it was determined it is a wetland with poor drainage and already has issues. Mr. Dunkle said what they are looking for on the Town's behalf as Engineers is the pervious surfaces and the increases in water runoff as to not make anyone's drainage problems worse. They tried to put a map together to look at the big picture as to find out where the drainage is going and how the big impact will happen.

Mr. Dunkle provided the Town Board with maps and stated the first map shows where the project is on Woods Highway and Route 5 and it shows all the side streets. He outlined what the developer owns and he pointed out which neighbors would be impacted. From there the drainage map was created.

Mr. Dunkle said, as Engineers, they first look at the wetland map, they actually found a lot more wetlands than what the Federal map shows. They identified the different drainage areas on the map and

what directions it would flow in. He stated the biggest drainage area drains to the North and flows under Woods Highway through two large 48" culverts. The remaining drainage areas flows under Route 5.

After evaluating the drainage flow, the Engineers then look at the placement in those drainage patterns. Most appear to flow south to the Turnpike but a small portion will flow through Woods Blvd. That's what they know at this point, how the drainage pattern fits in the development.

Mr. Dunkle stated some applicants will be required to develop a full stormwater management plan that mitigates the impact to surrounding residents as they can't make anyone's drainage issues any worse. He said, as a Town, they will be held to this standard. He said the Town does not know yet how they will do this but they know it can be done. Any increase in runoff will have to be detained. Another thing the Town can do because of all the surrounding wetlands is create a diversion and they will have to maintain the direction of flow that already exists. Conifer will have to demonstrate to the Town how they plan to mitigate the wetlands which is unknown at this time. As the Town Engineer, he said if this project moves forward, he will be looking at all the details of the stormwater management plans once there available. The residents will then have the opportunity during the Planning process to evaluate and comment once the details are known. He said the Town will know more once the details are known but the Town has a good idea of where the potential impacts will be.

Supervisor Miscione asked Mr. Dunkle that if nothing changes with the residents that do have water issues (and pointed to map unidentified by camera), is there a project or something the Town can do that would help them with their water issue?

John Dunkle replied that he would love to say yes but they live in regulated wetland so their yards will be wet, some things that can be done to drain the wetlands is to fill them in but that requires permits and mitigation fees. He said this is a natural high quality wetland and this would be difficult to obtain a permit for this area.

Councilman Reynolds asked about the drainage direction and asked if there was any way to relieve water pressure in one area and dump it to a specified area. (Unidentified by camera).

John Dunkle replied that it was a good idea and said if one area were dead flat that yes it could be done but pointed out there is like 20 feet of deposit from one point to another and said there is some pitch within the land through one area. He said if this one area is relieved it would impact one small area up here (again, unidentified by camera). He said the wetlands are created by pockets of low land in one area.

Councilman Woodland asked Mr. Dunkle that if the residents wanted to do anything with this land that it would be difficult with the permitting process? Mr. Dunkle replied yes, that it is not impossible but that these are high quality wetlands and DEC (Department of Conservation) does not like wetlands messed with.

Councilman Woodland asked if there were any issues within the green areas of development. Mr. Dunkle replied that is one of the things to ask the developer as they think delineation may need to be

REGULAR TOWN BOARD MEETING

February 5, 2020

Page 3 of 24

done but if that's the case then they will have to be moved. Any development will have to be done outside the wetlands.

Councilman Reynolds asked about the drainage going to Route 5 and that it is not culverted all the way to Mud Creek and Mr. Dunkle replied no just to the culverts under the Turnpike and daylights on the other side and flows down to Middle Settlement Road but that it definitely affects Mud Creek as it's a direct line.

PUBLIC COMMENTS/QUESTIONS: (Residents are unknown as they did not identify themselves)

RESIDENT: How do you develop a base line that no more water will come after the project than before the project?

Mr. Dunkle replied they will do a Creed Hydraulic Analysis and that will be the benchmark and State protocol.

RESIDENT: Since it's only a 15 foot drop to Seneca Turnpike, how deep can the holding pond be?

Mr. Dunkle replied that he has not seen those details but it will have to flow with gravity.

RESIDENT: Where would you suggest (inaudible) go if there are (inaudible) bathtubs in the middle of wetlands.

Mr. Dunkle replied they will have to reconfigure the project and build around it.

RESIDENT: Do you feel there are too many buildings there?

Mr. Dunkle replied that's not for him to determine.

RESIDENT from Caryl Blvd. told Mr. Dunkle she can't use her backyard until August and asked what they can do if they wanted to fill it in, would they need to go through applications and permits because it is a wetland.

Mr. Dunkle replied yes, because it is a wetland which is regulated land.

SAME RESIDENT then asked Mr. Dunkle if the Town is considering building something that is two acres big to get water in there and the condition gets worse and goes further and further, what are her options.

Mr. Dunkle replied due to climate change they are getting higher storms with more amounts of rain and they are doing studies all over the Town. The resident replied that the residents already have no way to control the water with what's already built and the water needs to go somewhere and then asked Mr. Dunkle if he would conclude that's what would happen?

Mr. Dunkle replied he would agree with that but that the Town needs to be sure not to allow that to happen and that's why the Engineers are there for the oversight in this project. He said he can't say yet how this is going to happen because they are not at that point and if this project moves forward after the zoning change then that will be all part of the review process.

A resident clarified that when Conifer comes up with a cracked plan Mr. Dunkle will not Okay the project.

Mr. Dunkle replied that is correct.

REGULAR TOWN BOARD MEETING

February 5, 2020

Page 4 of 24

Mr. Dunkle told the residents they don't have all the answers at this point but he wants to make their lives better but maybe all they can do is make it the same but they have to do that much. If there is any way they can change conditions to make things better then it will be done.

A resident told Mr. Dunkle it will be up to the residents once this project is done and they can't afford it, they know the Town won't do anything after the project is done.

Mr. Dunkle replied they will have to meet all the standards.

Mr. Dunkle suggested part of the site plan review process will be a wetland delineation. They have to show the corner or go through a permitting process.

Mr. Dunkle continued to say his wetlands estimations are just that, estimations only and could be a bit on the short side. They will look at the vegetation and the soils and there is no question as to why the residents have water in their backyard, they all have poor soils.

RESIDENT asked Mr. Dunkle if they will do anything with the water table with this study.

Mr. Dunkle replied this is another evaluation they will need to make. The resident then pointed out that once the building is built it would create increased water issues for the rest of the residents because the water will only drain towards their property. Mr. Dunkle stated this was questionable and he continued to say that the ground water would not affect adjacent properties because they have to manage their own water on their own land. He said that is Conifer's obligation and they will hold them to that.

Judy Cusworth of Chadwicks asked Mr. Dunkle where he is when Chadwicks is flooding with all his good ideas on where the water runoff can flow to. She told Mr. Dunkle that the Town can't control the flooding issues they currently have and asked so why would he believe the Town would be able to control this project. She then continued to asked who would want to build in a wetland and stated it's called destruction of habitat. She also asked why this development can't be placed somewhere else and then added that she does not even live near this area.

Resident asked if any allowance was made once they take out the forest cover and what that would do to the water.

Mr. Dunkle replied yes absolutely that this is a whole water impact Conifer would have to do and this is all part of the SEQR review and the environmental assessment.

Resident asked if any written report was done for the residents review?

Mr. Dunkle replied no and that he was just called in about two weeks ago to be at this meeting tonight and this is as far as he has gotten with the process so far.

Resident asked how this water will affect sewers down on Route 5 and climate change?

Mr. Dunkle replied they are gathering data over time and they are looking at a 30 to 50 year span and that they are building a Mud Creek dam right now for flood control and may look at doing another one by Sangertown to look at the bigger picture.

Resident stated that about five (5) years ago the owners of this property changed the zoning to commercial and asked if this zone change passes if the wetlands would be managed differently?

Mr. Dunkle replied the only zoning issues are what could be built on the property and it does not affect how a project would affect stormwater. The resident stated she thought the other 20 acres were going to be subdivided and sold to someone else.

Town Attorney Cully stated if they subdivide the land then they have come before the Town Board and it would be commercial so it would be a shopping center there without any zone change or whatever but after they subdivide it then the land becomes a separate entity and if anyone wanted to develop it they have to come back to the Town and start from square one and deal with all the issues Mr. Dunkle is talking about.

It was questioned if a solar farm were to go there?

Mr. Dunkle said they have the same standards and issues as anyone else that they are talking about here tonight.

Resident asked Mr. Dunkle if he ever found a property that he couldn't develop.

Mr. Dunkle replied "No, that engineers can do anything; they can build in and drain swamps etc." He continued to say it is not practical or realistic but "No" the technology is out there to develop and look at some places they build now so anything can be done.

It was asked if the map he provided had the setbacks.

Mr. Dunkle replied it depends as if it's an Army Corps Setback then they have none, but if it's a DEC setback, then it is 100 Ft.

Town Attorney Cully clarified the colors on the map provided as the blue is the projected delineated wetlands and the green is where they as engineers feel the wetlands actually are.

Judy Cusworth commented again that climate changes are happening and two, five and twenty years makes a difference. She said he may not have to worry about this issue in thirty years because they may not be alive but some of the residents will still be here.

Jim Marshner from Woods Highway – Said he knows the Town is trying to do its due diligence and this is a combination of a residential and commercial community. He asked what guarantee in twenty years from now that they won't have more water than they already do and also asked if there is another alternative or more practical use for this land that won't require extreme mitigations. He recalls a resident offering to purchase the land to keep it wild.

Supervisor Miscione stated they could definitely do that and said residents do this a lot in California to keep nature preserves near homes instead of businesses but the Town can't do that.

A resident stated that the Town has to deal with flooding and asked Supervisor Miscione if it would be wise for the Town to keep this as a preserve and for the mitigating of floods.

Supervisor Miscione stated the only thing they are talking about tonight is zoning and this parcel is currently zoned commercial (C1) which allows for many commercial stores which are the kinds of things the Planning Board would look at. This property was zoned commercial after a comprehensive plan was completed and it was done as a Town-wide project.

An unidentified resident questioned the comprehensive plan and when the zoning was changed.

Supervisor Miscione stated that anybody developing has to go by the State Laws, local laws and the Codes. Then it goes to the Planning Board, studies are done and a Public Hearing will be held but tonight is just the zoning change.

Town Attorney Cully stated they redid the entire zoning map about 8 or 10 years ago. The Town brought in a consultant from Saratoga who redid the ordinance and the maps. He had a number of meetings with a citizens group and board that was established along with a number of public hearings and it took a lot of time to complete. As part of this process they implemented the PPD District which is a district intended to provide for creative development which will provide a variety of housing types and styles suitable for a variety of income levels and that's the whole purpose. This project is completely within the ordinance and the Town has people who own properties in this area for years and now to say to them now the Town is changing this and no one can ever build or do anything with it is just the Town taking their land and the Town just can't do that. This ordinance was a result of a lot of effort on the part of the Board and the Citizens Group along with input from a number of residents. At that time Codes Officer Joseph Booth did a marvelous job in terms of trying to tone down the number of zoning districts the Town had.

Supervisor Miscione clarified that if the Zoning change gets turned down they can reapply or develop something along the commercial lines. If this project is dead and a developer wants to build say a B'J's for example then that just goes in front of the Planning Board and the Town Board has no say. If this project goes through then they have to come to the Town Board every step of the way and they can over see that they are doing what was stated and needed such as the retention pond and what not.

Unidentified Resident tells the Board her nightmares with the water for the past 17 years that she lived in that area and she expressed frustration that it's up to five Board members who she feels has no idea of the area. She feels having something like a B'J's or a doctor's office would be an asset to that area and the residents not a low-income subsidized housing. She inquired about a Town referendum where the area residents could vote opposed to the Board members.

Supervisor Miscione reiterated that the Board is only voting on a RPDD overlay for zoning of the land not the project itself, water issues or anything else.

It was questioned that if the Planning Board turns down the project does the land stay commercial or does it stay residential?

Town Attorney Cully said he would have to research the answer but it would seem to him that if it's denied then the whole rezoning fails.

Town Attorney Cully said to answer the other question that there is revision to a prior zoning classification that can be enacted by the Town Board if in fact the final site plan has not been submitted within three years from the date of the amendment, then the Town Board on its own motion may initiate a Zone Map Amendment to return the Planned Development District to its former classification and he would assume that would be the same thing for the Site Plan if it were denied. The Planning Board meetings are open to the public and the public would have another chance to speak there.

CLOSE PUBLIC HEARING:

Councilman Messa presented the following Resolution for adoption, seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

The Town of New Hartford closes the Public Hearing for the Conifer's Group's application for a Residential Planned Development District (RPDD) that was received in August 2019 in the area of Woods Highway and Seneca Turnpike.

Roll Call:	Councilman Messa	-	Aye
	Councilman Lenart	-	Aye
	Councilman Reynolds	=	Aye
	Councilman Woodland	=	Aye
	Supervisor Miscione	=	ABSTAINED (due to conflict of interest)

The Resolution was declared unanimously carried and duly ***ADOPTED***.

Supervisor Miscione brought forth several matters:

Town Attorney Cully read a motion that states upon completion of the Public Hearing and due consideration of the application the Town Board shall act to adopt, adopt with modifications or reject the requested RPDD Zoning Amendment. He stated if granted then it goes to the Planning Board for submission of final plans.

DISCUSSION:

Supervisor Miscione abstained from voting:

Councilman Reynolds said that all the concerns raised here tonight along with previous meetings are all valid concerns and statements. In his opinion the best way to provide an oversight on the project going forward is to change the zoning and put it in the Planning Boards hands to resolve all the issues raised tonight. He feels this is best for the Town along with the neighbors. He feels the Planned Development gives the Town Board the best control going forward.

Councilman Messa said he would defer because he feels the Town has two separate issues; one being stormwater issues and the current situation and then the project. He then stated he is not in favor of an apartment complex in that area. He feels after looking at the map and the wetlands and so forth that there is work that needs to be done no matter who comes in.

Councilman Lenart said he also has concerns but he agrees with Councilman Reynolds with the checks and balances so he feels the only way to clear the air and get all the issues out so he's not opposed.

Councilman Woodland said he hears the residents in his area who do not want this project and he feels at this point he has too many unanswered questions so at this point he's against the project.

REGULAR TOWN BOARD MEETING

February 5, 2020

Page 8 of 24

VOTE:

Councilman Woodland presented the following Resolution for consideration; seconded by Councilman Messa:

(RESOLUTION NO. OF 2020)

RESOLVED, that the Town Board does hereby authorize to reject the application submitted by the Conifer Group for a zone change (RPDD Overlay) in the Woods Highway and Seneca Turnpike area.

Roll Call:	Councilman Messa	-	Aye
	Councilman Lenart	=	Nye
	Councilman Reynolds	=	Nye
	Councilman Woodland	=	Aye
	Supervisor Miscione	=	Abstained (due to conflict of interest)

MOTION FAILS IN A TIE VOTE:

John Dunkle explained to the Town Board that they have an impasse at this point and the third option was to defer the motion and obtain more information and revisit the issue next month.

Councilman Reynolds presented the following Resolution for consideration; seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED, that the Town Board does hereby authorize to defer the application with no action taken submitted by the Conifer Group for a zone change (PPDD Overlay) in the Woods Highway and Seneca Turnpike area to obtain more information.

Roll Call:	Councilman Messa	-	Aye
	Councilman Lenart	=	Aye
	Councilman Reynolds	=	Aye
	Councilman Woodland	=	Aye
	Supervisor Miscione	=	Abstained (conflict of interest)

The Resolution was declared unanimously carried and duly **ADOPTED**.

REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE

Town Clerk Committee

ATM Machine – Municipal Building:

Town Attorney Cully said he received a response from the ATM companies that they are not required to be bonded and he is still not happy with the information and his specific concern is the insurance. One company told the Town Attorney they don't have to be bonded because it's their money in the ATM and the Town Attorney's concern is the machine is being allowed in a Town building. Town Attorney Cully

REGULAR TOWN BOARD MEETING

February 5, 2020

Page 9 of 24

said if someone breaks in and steals the machine then he wants to be sure there is adequate insurance coverage and indemnification. He would like to defer action until he receives a response from the ATM company.

Councilman Reynolds asked the Town Attorney after reviewing his listing of establishments of customers such as Oneida County if they had to be bonded in those places.

Town Attorney Cully said he did not know and would look into the issue but his concern is more of a liability because the machine is inside the building.

Deputy Clerk II Allison Adams asked the Town Attorney how the machine in the Municipal Building would differ from the ATM Machine that is currently in the Town Recreation Center as she pointed out it was one of the companies we received quotes from and it has been there for about four years or so.

Town Attorney Cully said there is no difference and he does not believe the Town Board approved the installation of an ATM at the Recreation Center but said the Town could approve the ATM Machine subject to reaching an agreeable written contract with him to indemnify the Town from any and all liability.

Upon presentation by Town Attorney Cully, the following Resolution was introduced for adoption by Councilman Reynolds and seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize the installation of an ATM Machine subject to a written agreement prepared by Town Attorney Cully that will indemnify the Town from all insurance liability and theft.

Roll Call:	Councilman Messa	-	Aye
	Councilman Lenart	-	Aye
	Councilman Reynolds	-	Aye
	Councilman Woodland	=	Aye
	Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

2020 Budget Adjustment(s)

After explanation by Lisa Smigle from the Finance Office, Councilman Reynolds introduced the following Resolution, seconded by Councilman Woodland:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby approve the follow 2020 Budget adjustment:

Sale of	Decrease	\$86,470.00	Sale of Old Dozer
Equipment	DB2665.0		
Purchase of New	Increase	\$86,470.00	Purchase of New Dozer
Equipment	DB5130.20		

REGULAR TOWN BOARD MEETING

February 5, 2020

Page 10 of 24

Roll Call:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

After explanation by Lisa Smigle from the Finance Office, Councilman Reynolds introduced the following Resolution, seconded by Councilman Woodland:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby approve the follow 2020 Budget adjustment:

Sale of Equipment	Decrease DB2665.0	\$86,470.00	Sale of Old Dozer
Purchase of New Equipment	Increase DB5130.20	\$86,470.00	Purchase of New Dozer

Roll Call:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

After explanation by Lisa Smigle from the Finance Office, Councilman Lenart introduced the following Resolution, seconded by Councilman Reynolds:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby approve the follow 2020 Budget adjustment:

Donations	Decrease A2705.1	\$1,005.00	Donation made from CDPHP to Pay for senior lunches
Senior Contractual Account	Increase A67724.0	\$1,005.00	Pay for Senior Lunches

Roll Call:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

REGULAR TOWN BOARD MEETING

February 5, 2020

Page 11 of 24

The Resolution was declared unanimously carried and duly **ADOPTED**.

After explanation by Lisa Smigle from the Finance Office, Councilman Lenart introduced the following Resolution, seconded by Councilman Reynolds:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby approve the follow 2020 Budget adjustment:

Insurance	Decrease	\$8,800.00	Insurance Recovery for 2019 Plow & Hitch
Recovery	DB2680.0		Damage
Tires Account	Increase	\$8,800.00	Cover Cost of Plow & Hitch
	DB5120.401		

Roll Call:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Audit of Vouchers

Councilman Woodland moved the following Resolution for adoption, seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED, that the Town Board of the Town of New Hartford does hereby authorize and direct the payment of the bills itemized on the following Abstracts, which had been duly audited by the Town Board:

RECORD OF CLAIMS #1

#'S 2562

BP600	\$ 37,762.00
-------	--------------

TOTAL RECORD OF CLAIMS TOTAL #1	\$ 37,762.00
----------------------------------------	---------------------

RECORD OF CLAIMS #2

#'S 2563

A600	\$ 5,968.98
------	-------------

BP600	\$ 68,643.26
-------	--------------

DB600	\$ 74,612.24
-------	--------------

TOTAL RECORD OF CLAIMS TOTAL #2	\$149,224.48
----------------------------------------	---------------------

RECORD OF CLAIMS #3

#'S 2564-2574; (2575 VOIDED)

2576-2716

A600	\$ 49,002.29
B600	\$ 1,678.41
BP600	\$ 14,297.64
DB600	\$ 79,762.51
HEP600	\$ 158,440.00
HV600	\$ 45,662.54
SF600	\$1,235,553.00
SL600	\$ 10,786.66
SS600	\$ 88,083.41
TA600	\$ 2,345.05
TOTAL RECORD OF CLAIMS TOTAL #3	\$1,685,611.51

TOTAL RECORD OF CLAIMS 1-3 \$1,872,597.99

The Board voted upon roll call, resulting as follows:

Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Councilman Messa	-	Aye
Supervisor Miscione	-	Aye

The Resolution was thereafter declared unanimously carried and duly **ADOPTED**.

Public Safety & Courts Committee:

APPOINTMENTS:

Upon recommendation of the Police Chief Mike Inserra, the following resolution was introduced by Councilman Reynolds and seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby confirm that Police Chief Mike Inserra has appointed John Treen as a full-time Animal Control Officer, filling the vacancy created when Nicholas Morasco left the Town's employment; and be it

FURTHER RESOLVED, that the Town Board does hereby establish Mr. Treen's hourly wage at \$23.08, payable bi-weekly, and effective February 17, 2020 with benefits eligible however Mr. Treen has passed on Town benefits.

Upon roll call, the Board members voted as follows:

REGULAR TOWN BOARD MEETING

February 5, 2020

Page 13 of 24

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

APPOINTMENTS:

Upon recommendation of the Police Chief Mike Inserra, the following resolution was introduced by Councilman Woodland and seconded by Councilman Reynolds:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby confirm that Police Chief Mike Inserra has appointed Stacie Skidmore to transfer into the New Hartford Police Department as a full-time Police Officer, filling the vacancy created when Daniel Herman left the Town's employment; and be it

FURTHER RESOLVED, that the Town Board does hereby establish Miss. Skidmore's hourly wage at \$29.07, payable bi-weekly, and effective March 7, 2020 per the Union Contract.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**

APPOINTMENTS:

Upon recommendation of the Police Chief Mike Inserra, the following resolution was introduced by Councilman Reynolds and seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby confirm that Police Chief Mike Inserra has provisionally appointed Allison Adams as a Senior Office Specialist 1, filling the vacancy created when Michelle Moran left the Town's employment; and be it

FURTHER RESOLVED, that the Town Board does hereby establish Mrs. Adam's hourly wage at \$18.01, payable bi-weekly, and effective February 10, 2020 with benefits provisional until Mr. Adam's has passed the civil service test.

REGULAR TOWN BOARD MEETING

February 5, 2020

Page 14 of 24

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**

Michelle Moran Retirement:

Councilman Messa and the Town Board congratulated Michelle Moran on her retirement from the New Hartford Police Department and her years of service with the Town of New Hartford.

APPOINTMENTS:

Upon recommendation of the Parks Department, the following resolution was introduced by Councilman Lenart and seconded by Councilman Woodland:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby appoint Harold Kafka as a part-time parks laborer, filling the vacancy created when Daniel Karrat needs vacation or time off; and be it

FURTHER RESOLVED, that the Town Board does hereby establish Mr. Kafka's hourly wage at \$15.25, payable bi-weekly, and effective February 6, 2020 with no benefits.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Agreement for Fire Protection District 1 & 2 – Village of New Hartford and Fire Department

Councilman Reynolds moved the following Resolution for adoption and Councilman Lenart seconded same:

(RESOLUTION NO. OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2020, and ending December 31, 2020, between the Town of New Hartford and District 1 and 2, Village of New Hartford and its Fire Department, in the amount of \$676,910.00.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Agreement for Fire Protection District 3 – Village of New Hartford and Fire Department

Councilman Woodland moved the following Resolution for adoption and Councilman Reynolds seconded same:

(RESOLUTION NO. OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2020, and ending December 31, 2020, between the Town of New Hartford and District 3, Village of New Hartford and its Fire Department, in the amount of \$57,313.00.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Agreement for Fire Protection District 5– Village of New York Mills Fire Department

Councilman Reynolds moved the following Resolution for adoption and Councilman Lenart seconded same:

(RESOLUTION NO. OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2020, and ending December 31, 2020, between the Town of New Hartford and District 5, Village of New York Mills and its Fire Department, in the amount of \$168,810.00.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Agreement for Fire Protection District 4 - Willowvale Fire Company, Inc.

Councilman Messa moved the following Resolution for adoption and Councilman Woodland seconded same:

(RESOLUTION NO. OF 2020)

RESOLVED that the Town Board of the Town of New Hartford does hereby authorize and direct the execution of the one-year Fire Protection Contract commencing January 1, 2020, and ending December 31, 2020, between the Town of New Hartford and District 4, Willowvale Fire Company, Inc., in the amount of \$332,520.00.

The Resolution was voted upon by roll call as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**.

Authorization to Auction Surplus Park Vehicle

Councilman Woodland then introduced the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. OF 2020)

BE IT RESOLVED, that the Town Board does hereby declare the Parks vehicle as surplus and does hereby authorize the Highway Superintendent to place One (1) 2002 Chevy Pick-Up Truck, VIN# 1GCEC14W42Z295216 upon Auctions International.

The Resolution was then voted upon as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was then declared unanimously carried and duly ***ADOPTED***

Authorization to Auction Surplus Police Vehicle

Councilman Woodland then introduced the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. OF 2020)

BE IT RESOLVED, that the Town Board does hereby declare the Police vehicle as surplus and does hereby authorize the Highway Superintendent to place One (1) 2014 Ford Taurus, VIN# 1FAHP2MK5EG175466 upon Auctions International.

The Resolution was then voted upon as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was then declared unanimously carried and duly ***ADOPTED***

Authorization to Auction Surplus Highway Garage Ceiling Lights

Councilman Messa then introduced the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

BE IT RESOLVED, that the Town Board does hereby declare the Highway Garage Ceiling Lights as surplus and does hereby authorize the Highway Superintendent to place them upon Auctions International.

The Resolution was then voted upon as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was then declared unanimously carried and duly ***ADOPTED***

Bid Results – Municipal Building Signage:

Councilman Messa then introduced the following Resolution for adoption; seconded by Councilman Lenart:

Highway Superintendent Sherman read the Bids aloud received for the Town of New Hartford Municipal Building Signage Bid

Victory Signs	\$16,175.00
Kassis Superior Signs, Inc.	\$12,465.00
Utica Sign Company	\$15,374.00
Serianni Signs	\$11,250.00

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby accept the low bid submitted by Serianni Signs, 453 Brown Rd, Frankfort, NY 13340 for the Municipal building led light signage. The Town Board does also hereby authorize the Highway Superintendent to execute any required agreement/contract related thereto.

FURTHER RESOLVED, that the New Hartford Town Board does hereby authorize the Highway Superintendent to apply for a zoning variance and appear in front the New Hartford Zoning Board for the signage permit which is required.

The Resolution was voted upon by roll call, as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Abstained.

The Resolution was then declared unanimously carried and duly ***ADOPTED***.

NATIONAL GRID POWER LIGHT BUYOUT LETTER:

Town Attorney Cully read a letter received from National Grid for the purchasing of power lights at an estimated, non-negotiable purchase price of netbook value of \$259,091.00 and if the Town is agreeable then National Grid will calculate a finale cost but the Town will then be responsible for the safe operation, maintenance & repair of the lights. An alternative to consider is converting the existing roadway laminar lights to energy efficient LED and then the Town will be in compliance with the tariff at a conversion cost of \$21,154.29 and the Town should be eligible for an energy efficient incentive credit of \$20,900.00.

DISCUSSION:

Town Supervisor Miscione stated the Town has plans to purchase the lights and then can do as they see fit.

It was discussed that the City of Rome, Syracuse and Utica are doing the same thing but absolutely no wooden poles.

Highway Superintendent Sherman explained that the LED street lights are smart lights and that if one goes out, it contacts his phone, the Police Department can request to dim the lights or shut them off in certain neighborhoods. They can dim certain lights if too much of a nuisance to a resident. Also, cameras can be installed in certain areas if the Town Board chooses down the road. The lights are good for 10 years, maintained by the Highway Department and would be at a cost saving to the Town plus they all come with a warranty. The power authority will handle all the bonding, hire the contractor. The second part to this is to look at everything the Town owns and wants to upgrade, where they would like to add lights. At this point an estimate can be created and put together as a package.

Town Supervisor Miscione presented the Town Board with maps to pinpoint where they would like the districts then the Town can get one price for all of them. They will hold a public hearing in the future for the financing of the lights. The power consumption per light will be less then what the current lights produce but the homeowner will pay for what the lights produce but will be at a cost saving because there LED.

NATIONAL GRID LIGHTING – BUY OUT:

Councilman Messa then introduced the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby accept the estimated, non-negotiable purchase price of netbook value of \$259,091.00 and further agrees that the Town is agreeable for National Grid to calculate a finale cost with the Town assuming responsibility for the safe operation, maintenance & repair of the lights

The Resolution was voted upon by roll call, as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was then declared unanimously carried and duly **ADOPTED**.

HIGHWAY PETTY CASH REIMBURSEMENT:

Councilman Messa then introduced the following Resolution for adoption; seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby authorize the reimbursement to the Town of New Hartford Highway Department for Petty Cash for various purchase in the amount of \$134.40.

The Resolution was voted upon by roll call, as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was then declared unanimously carried and duly **ADOPTED**.

FINANCE DEPARTMENT PETTY CASH REIMBURSEMENT:

Councilman Woodland then introduced the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby authorize the reimbursement to the Town of New Hartford Finance Office, Lisa Smigle for Petty Cash for various purchases at Staples in the amount of \$33.70.

The Resolution was voted upon by roll call, as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye

Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was then declared unanimously carried and duly **ADOPTED**.

POLLUTION INSURANCE COVERAGE BINDER:

Councilman Lenart then introduced the following Resolution for adoption; seconded by Councilman Messa:

(RESOLUTION NO. OF 2020)

RESOLVED, that the New Hartford Town Board does hereby authorize the Town Supervisor Paul Miscione to sign the Pollution Insurance Coverage Binder effective January 27, 2020 that was previously approve.

The Resolution was voted upon by roll call, as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was then declared unanimously carried and duly **ADOPTED**.

Appointment – Zoning Board of Appeals Chairman:

Councilman Reynolds offered the following Resolution for adoption, seconded by Councilman Woodland:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does here re-appoint Randy Bogar as Chairman of the Zoning Board of Appeals for a one (1) year term commencing immediately and ending December 31, 2020.

The Town Supervisor polled the Town Board members who voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Appointment – Zoning Board of Appeals Member

The New Hartford Town Board presented resumes of Terras Tesak & Marlene Anderson for consideration of being re-appointed to the Zoning Board of Appeals.

Oneida County Soil & Water Conservation District Envirothon – Sherrill Brook Park
Councilman Reynolds offered the following Resolution for adoption, seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does authorize the Oneida County Soil & Water Conservation District to hold an Envirothon at the Sherrill Brook Park from 8:00 A.M. to 2:00 P.M. on April 29, 2020 and does further agree to allow them to use several Pavilions, the gazebo and the building at no charge.

The Town Supervisor polled the Town Board members who voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

Senior Center Director – Kerry Digart

Councilman Lenart reported to the Town Board that Councilman Reynolds and himself recently met with the Senior Center Director Kerry Digart to get a feel of where she's at she has only been on the job a month or so. He reported to the Board that Kerry Digart is in the process of starting some new programs and the Councilman suggested she reach out the area residents for input in the next Town Crier, they discussed the Bingo process, Speakers, nursing homes etc. and he offered to accompany her to other area Senior Centers so she can get a feel of what they were doing and they also discussed bus trips for the future. They also discussed volunteers.

Highway Superintendent Sherman – Highway Department Highlights

Superintendent Sherman reported to the Town Board that the Highway Department is working on the news letter outlining the program for 2020. He spoke on the Saturday trash program as they are only keeping one Saturday opposed to every Saturday and it will also have shredding. The tag service and curb-side is a go again. The brush program will be the same as last year. The Highway Department is considering a "Brush Sticker" for containers. Councilman Messa suggested possibly charging residents for container "Brush Sticker" up to \$2.00 per sticker.

PROFESSIONAL SERVICES – Javelin Consulting Services LLC - Planning/Zoning Stages:

Supervisor Miscione reported to the Town Board that they need people to get residents through the Planning & Zoning stages. He recommends hiring Javelin Consulting Services LLC, 167 Clinton Road, Apt. 107, New Hartford, NY 13413 to help assist residents with the different stages of the Planning & Zoning Board at the cost to the resident and/or developer. The Town will only be financially responsible for fees (\$65.00 per hour) if Javelin Consulting assists the Town with changing or prepping any Planning or Zoning Laws. The Town will reserve the right to terminate the contract at the Town's discretion.

Javelin Consulting Contract -- Zoning & Planning Board Professional Services

Councilman Reynolds offered the following Resolution for adoption, seconded by Councilman Lenart:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does authorize the Town of New Hartford to enter into a Professional Services agreement with Javelin Consulting Services LLC, 167 Clinton Road, Apt. 107, New Hartford, NY 13413 at a rate of \$65.00 per hour for the professional services with the Zoning Board & the Planning Board.

The Town Supervisor polled the Town Board members who voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.

EXECUTIVE SESSION:

Supervisor Reynolds requested to move into executive session to discuss a specific employee seconded by Councilman Woodland:

(RESOLUTION NO. OF 2020)

RESOLVED that the New Hartford Town Board does hereby move to enter into an Executive Session to discuss the employment of a specific employee.

The Town Supervisor polled the Town Board members who voted as follows:

REGULAR TOWN BOARD MEETING

February 5, 2020

Page 24 of 24

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye

Thereafter, the Resolution was declared unanimously carried and duly **ADOPTED**. The Town Board then excused them to convene in a private meeting room. The Town Attorney joined the Town Board for the Executive Session.

[Note: Unknown if any action was taken after executive session.]

The Supervisor declared the Resolution unanimously carried and duly **ADOPTED**; The regular portion of the Town Board meeting was immediately reconvened and the Town Board took their places at the Board table.

ADJOURNMENT

There being no further business to come before the Town Board, Councilman (Unknown) moved that the meeting be adjourned; seconded by Councilman (Unknown). The meeting was adjourned (at unknown time).

Respectfully submitted,

Melody K. Fancett, Deputy Clerk I